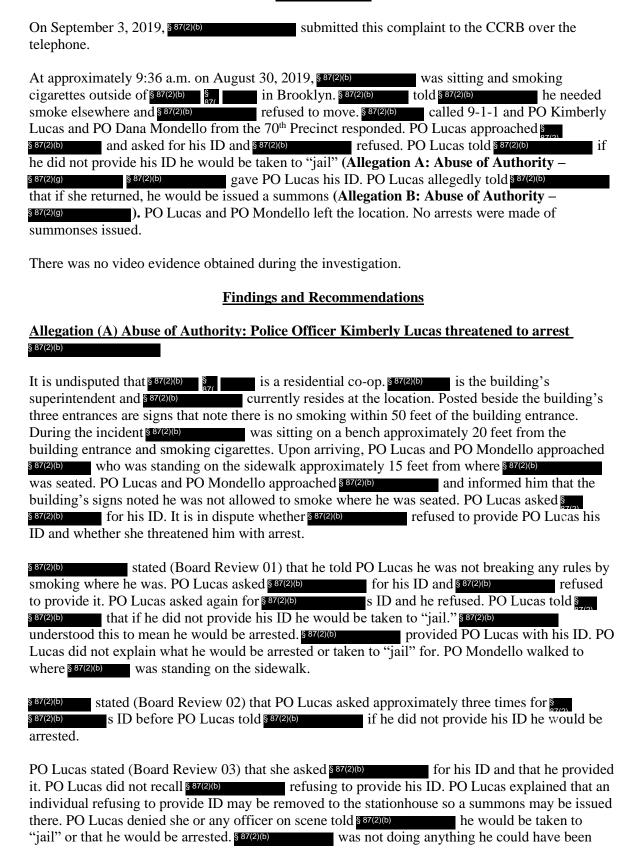
## **CCRB INVESTIGATIVE RECOMMENDATION**

Investigator:		Team:	CCRB Case #:	☐ Force	☐ Discourt.	U.S.
Valentina Concha-Toro		Squad #15	201907769	✓ Abuse	O.L.	☐ Injury
Incident Date(s)		Location of Incident:	•	Precinct:	18 Mo. SOL	EO SOL
Friday, 08/30/2019 9:36 AM		Front of § 87(2)(b)		70	2/28/2021	10/15/2021
Date/Time CV Reported		CV Reported At:	How CV Reported	Date/Time	Received at CCI	RB
Tue, 09/03/2019 9:56 AM		CCRB	Phone	Tue, 09/03	3/2019 9:56 AM	
Complainant/Victim	Type	Home Addre	ess			
Witness(es)	itness(es) Home Address					
Subject Officer(s)	Shield	TaxID	Command			
1. POF Kimberly Lucas	17843	958844	070 PCT			
Witness Officer(s)	Shield N	o Tax No	Cmd Name			
1. POF Dana Mondello	02829	960956	070 PCT			
Officer(s)	Allegatio	on		Inve	estigator Recon	nmendation
A.POF Kimberly Lucas	Abuse: P § 87(2)(b)	Abuse: Police Officer Kimberly Lucas threatened to arrest \$87(2)(b)				
B.POF Kimberly Lucas	Abuse: Police Officer Kimberly Lucas threatened to issue summons to \$87(2)(b)					

## **Case Summary**



CCRB Case # 201907769

arrested for.

PO Mondello stated (Board Review 04) that she spoke briefly to \$87(2)(6) upon arriving on scene and then moved to speak to \$87(2)(6) approximately 15 feet away. PO Mondello did not recall PO Lucas ask \$87(2)(6) for his ID. PO Mondello was not made aware of any issue with \$87(2)(6) providing his ID to PO Lucas. PO Mondello did not recall \$87(2)(6) refuse to provide PO Lucas with his ID. PO Mondello did not recall PO Lucas threatening \$87(2)(6) with arrest. \$87(2)(6) was not doing anything he could have been arrested for.
§ 87(2)(g)
According to NYC Local Law 2017/147 (Board Review 05), class A dwellings, such as co-ops, are to create their own smoking policy for the building to be an addendum to smoking policies in NYC administrative code.
According to NYPD Patrol Guide, Section 214-36 (Board Review 06), if there are no other violations other than that of the Smoke-Free Air Act, only agents of the following departments are able to enforce the violation: The Department of Health, Department of Consumer Affairs, Department of Environmental Protection, Fire Department, Sanitation Department and The Buildings Department.
§ 87(2)(g)
§ 87(2)(g)
Allegation (B) Abuse of Authority: Police Officer Kimberly Lucas threatened to issue summons to §87(2)(b)
stated (Board Review 01) that PO Lucas walked to her patrol vehicle with
stated (Board Review 01) that PO Lucas walked to her patrol vehicle with stated (Board Review 01) that PO Lucas walked to her patrol vehicle with stated (Board Review 01) that PO Lucas walked to her patrol vehicle with stated (Board Review 01) that PO Lucas walked to her patrol vehicle with stated (Board Review 01) that PO Lucas walked to her patrol vehicle with stated (Board Review 01) that PO Lucas walked to her patrol vehicle with stated (Board Review 01) that PO Lucas walked to her patrol vehicle with stated (Board Review 01) that PO Lucas walked to her patrol vehicle with stated (Board Review 01) that PO Lucas walked to her patrol vehicle with stated (Board Review 01) that PO Lucas walked to her patrol vehicle with stated (Board Review 01) that PO Lucas walked to her patrol vehicle with stated (Board Review 01) that if she came back to the location, she would issue him a summons. PO Lucas did not explain what the summons would be for.
stated (Board Review 02) that PO Lucas and PO Mondello walked to their patrol vehicle with \$87(2)(b) s ID and then returned to where he had been sitting. PO Lucas told \$87(2)(b) that he was not allowed to smoke in front of the building. PO Lucas did not say anything else to \$87(2)(b) PO Lucas and PO Mondello approached \$87(2)(b) and told him

that they could not do anything else regarding the complaint.

Squad No. 15

Investigator:			
<u> </u>	Signature	Print Title & Name	Date
Squad Leader:	Signature	Print Title & Name	Date
Reviewer:	Signature	Print Title & Name	Date